

United States Government Accountability Office
Washington, DC 20548

December 8, 2005

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform
House of Representatives

The Honorable Byron L. Dorgan
United States Senate

Subject: *Independent Counsel: Breakdown of Expenditures for the Office of
Independent Counsel David M. Barrett for the 6 Months Ended March 31, 2005*

This letter responds to your May 20, 2005, request, as modified by our subsequent oral agreement, that we provide more detailed information on several categories of expenditures for travel, contractual services, and personnel compensation for the office of Independent Counsel David M. Barrett. The scope of our work covers the 6-month period from October 1, 2004, through March 31, 2005. This is for the same period as our recently issued report on the results of our statutory audit of Independent Counsel Barrett's statement of expenditures.¹ Your staff also asked, and we agreed to provide, certain information on the office space leased by the office of Independent Counsel Barrett.

Enclosure I lists by title each individual who was reimbursed for travel during this 6-month period and includes, among other things, the trip destination, the number of trips taken, and the travel cost. Enclosure II lists each major contracted service paid for between October 1, 2004, and March 31, 2005, the nature of services provided, and the total costs attributable to the services provided.

Enclosure III lists by title each individual employed by the Independent Counsel during the 6-month period, their total compensation, total benefits, and their total combined compensation and benefits for the 6 months. Finally, enclosure IV lists the square footage of Independent Counsel Barrett's office space, the number of employees at both the peak of the investigation and during the 6-month period from October 1, 2004, through March 31, 2005, the semiannual cost for the leased space, cost per square foot, and certain other relevant information on the lease agreement.

¹GAO, *Financial Audit: Independent and Special Counsel Expenditures for the Six Months Ended March 31, 2005*, GAO-05-961 (Washington, D.C.: Sept. 30, 2005).

In our recent report, we noted that our audit was designed to determine whether the statement of expenditures was fairly stated in all material respects.² We were not required to express an opinion on the reasonableness or appropriateness of any reported expenditures, and we did not express an opinion on such information. Similarly, we are not expressing such an opinion with respect to the detailed information contained in the enclosures to this letter. The information presented in the enclosures was compiled during October 2005 based on our recent independent counsel audit work, which was performed in accordance with U.S. generally accepted government auditing standards.

We provided copies of the enclosures to this letter to Independent Counsel Barrett for his review and comment. Independent Counsel Barrett provided some technical clarifications, which we incorporated as appropriate. He also expressed concerns over GAO's agreeing to the information request, even as modified. He noted that compiling and disclosing the information on his office's expenditures in this manner does not assist the Congress, nor the American public, in determining whether funds have been used responsibly and efficiently. As stated above, we are not expressing an opinion on the reasonableness or appropriateness of the enclosed information. The information presented in the enclosures is primarily a further breakdown of the expenditures reported on Independent Counsel Barrett's statement of expenditures for the 6-month period ended March 31, 2005.

In addition, Independent Counsel Barrett noted that the request asks for GAO to do something that the Congress as a whole rejected, as indicated by the House and Senate conferees' rejection of a Senate amendment to H.R. 1268. He noted that the amendment would have required GAO to perform a function beyond its statutory responsibility for conducting biannual audits as required by the Independent Counsel Act. We believe that work undertaken at the request of a Ranking Minority Member with oversight responsibilities for these activities is consistent with our congressional protocols.

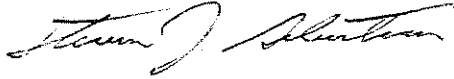
Further, he added that certain of the information contained in the schedules, such as information concerning his office's rented office space, could lead to inaccurate conclusions about the appropriateness of the level of spending on such activities because, in the case of the office space, the schedules do not explain how the space is being used. Again, we are not opining on the reasonableness or appropriateness of such expenditures but, rather, are simply presenting factual information concerning the independent counsel's office space. Finally, he noted that the information in the enclosures does not reflect recent events which could affect his office's activities, most notably the order of the Special Division of the U.S. Court of Appeals for the District of Columbia Circuit related to the release of his office's final report and the remaining duties associated with carrying out the court's order.³ However, this is beyond the scope of the request, which is simply to provide a further breakdown of the independent

²The expenditures are recorded on the cash basis of accounting, which is when the funds are disbursed by the Administrative Office of the U.S. Courts (AOUSC), or, for noncash transfers, when charged by AOUSC.

³*In Re: Henry G. Cisneros*, 426 F. 3d 409 (D.C. Cir. 2005).

counsel's expenditures for certain categories of expenditures for the 6-month period ended March 31, 2005. As such, the court's order has no bearing on the independent counsel's expenditures that are the subject of the request.

Should you or your staff have any questions about this letter, please contact me at (202) 512-3406 or sebastians@gao.gov.



Steven J. Sebastian
Director
Financial Management and Assurance

Enclosures—4

Enclosure I

Office of Independent Counsel David M. Barrett
Travel Expenditures
from October 1, 2004, through March 31, 2005

Title	Departure	Destination	No. of round trips	Fare	Lodging	Per diem	Incidental	Privately owned vehicle	Total
Deputy Independent Counsel	Glen Head, NY	Washington, D.C.	^a	^a	\$7,776	^a	^a	^a	\$ 7,776
Legal Consultant ^b	San Francisco, CA	Washington, D.C.	2	\$1,977	\$1,457	\$ 418	\$257	\$16	\$ 4,125
Legal Consultant ^b	San Francisco, CA	Washington, D.C.	1	\$ 988	\$1,530	\$ 418	\$420	\$24	\$ 3,380
Paralegal ^c	Colorado Springs, CO	Washington, D.C.	5	\$1,227	\$4,405	\$1,178	\$971	\$54	\$ 7,835
Other charges and adjustments									\$ 898
Total									\$ 24,014

Source: Independent Counsel travel vouchers maintained at the Administrative Office of the U.S. Courts (AOUSC).

^a Staff is on temporary duty travel indefinitely in Washington D.C. The staff person claimed reimbursement only for lodging expenses.

^b Legal consultants that work on a nonroutine or occasional basis.

^c An intermittent employee that works on a nonroutine or occasional basis.

Enclosure II

Office of Independent Counsel David M. Barrett
Major Contractual Services Expenditures
From October 1, 2004, through March 31, 2005

Contractor	Nature of services	Total
Legal Consultant	Legal services	\$ 41,750
Legal Consultant	Legal services	\$ 25,520
Clerical Staff	Secretarial services	\$ 17,308
Clerical Staff	Secretarial services	\$ 15,774
Other ^a	^a	\$ 2,881
Total		\$103,233

Source: Independent Counsel payment vouchers maintained at the AOUSC.

^a Other includes primarily office equipment maintenance, security protective services, and legal research.

Enclosure III

Office of Independent Counsel David M. Barrett
 Personnel Compensation Expenditures
 from October 1, 2004, through March 31, 2005

Title	Total compensation ^c	Total benefits ^d	Total compensation and benefits for the 6-month period
Independent Counsel	\$68,979	\$16,740	\$85,719
Deputy Independent Counsel	\$73,310	\$ 7,560	\$80,870
Administrator ^a	\$54,173	\$ 11,983	\$66,156
Associate Independent Counsel ^b	\$67,616	\$ 3,250	\$70,866
Associate Independent Counsel	\$59,121	\$ 12,840	\$71,961
LAN Admin./Records	\$34,724	\$ 11,444	\$46,168
Paralegal ^b	\$ 9,952	\$ 1,916	\$11,868
Research/Records	\$24,993	\$ 5,408	\$30,401
Total	\$392,868	\$ 71,141	\$464,009

Source: Personnel compensation data maintained on AOUSC's Human Resource Management Information System.

^a Employee works 60 hours every two weeks and is paid on a pro rata basis.

^b These are intermittent employees who work on a nonroutine or occasional basis.

^c Total compensation reflects base pay/salary before taxes.

^d Total benefits include the federal government's share of Civil Service Retirement System/Federal Employees Retirement System, Thrift Savings Plan, Medicare, Social Security, and Health and Group Life Insurance.

Enclosure IV

Office of Independent Counsel David M. Barrett

Office Space Utilization

from October 1, 2004, through March 31, 2005

Office Location	Square footage	No. of employees assigned at peak	No. of employees for the 6-month period	Total rental cost for the 6-month period	Cost per square foot (annualized)
1990 K Street N.W. Washington, D.C.	11,502	22	8	\$232,486	\$40.43

Source: Independent Counsel space information.

The lease for Independent Counsel Barrett's office space was first negotiated on February 7, 1997.

- Of 11,502 square feet of office space, 9,891 square feet is usable space and 1,611 square feet is common space.
- Nineteen individual offices are available for staff use in the assigned office space.

The basic terms of the original lease agreement with the General Services Administration were

- 5-year lease term,
- abatement of rent for the first 8 months, and
- provision for one renewal option for a 5-year lease term.

The lease for the office space was renewed on December 5, 2001, for a new 5-year term, from December 6, 2001, through December 5, 2006. The occupancy lease agreement between the AOUSC and the General Services Administration for the Office of Independent Counsel Barrett office space stated that AOUSC has the right to relinquish the space upon 4-months notice without any penalty-assessment charges.

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